

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                                 |   |                      |
|---------------------------------|---|----------------------|
| HARRAH'S MARYLAND HEIGHTS, LLC, | ) |                      |
|                                 | ) |                      |
| Plaintiff,                      | ) |                      |
|                                 | ) |                      |
| v.                              | ) | No. 4:07-CV-1803 CAS |
|                                 | ) |                      |
| BLACKROCK DIAMOND PROPERTY      | ) |                      |
| FUND, INC., et al.,             | ) |                      |
|                                 | ) |                      |
| Defendants.                     | ) |                      |

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant BlackRock Diamond Property Fund, Inc.'s (the "Fund") Response to the Court's Order Concerning Removal, and plaintiff Harrah's Maryland Heights, LLC's ("Harrah's") Reply.

The Order Concerning Removal stated that in cases involving limited liability companies, the Court must examine the citizenship of each member of the limited liability company for purposes of diversity jurisdiction. GMAC Commercial Credit, LLC v. Dillard Dep't Stores, Inc., 357 F.3d 827, 829 (8th Cir. 2004). The Order directed the Fund to provide information concerning the states of which each member of plaintiff Harrah's was a citizen, including the state of the principal place of business for corporate members, both at the time of filing and the time of removal.

In its Response, the Fund stated that at the time of filing and the time of removal, Harrah's was comprised of three members: (1) Harrah's Operating Company, Inc., a Delaware corporation with its principal place of business in Nevada; (2) Harrah's Maryland Heights Operating Company, a Nevada corporation with its principal place of business in Missouri; and (3) Players Maryland Heights Nevada, LLC, a Nevada limited liability company. The third member, Players Maryland

Heights Nevada, LLC has one member, Players Holding, LLC. Players Holding, LLC has one member, Players International, LLC. Players International LLC has one member, Harrah's Operating Company, Inc. As stated above, Harrah's Operating Company, Inc. is a citizen of Delaware and Nevada. Thus, the Fund responded that plaintiff Harrah's is a citizen of the states of Delaware, Missouri, and Nevada for diversity jurisdiction purposes, and as a result, complete diversity exists between Harrah's and the Fund.

In its Reply, Harrah's did not contest the description of its ownership structure as set forth by the Fund. Rather, it asserted that (1) another necessary party to this litigation exists and should be added as a defendant, and (2) removal was improper and the case should be remanded.

A notice of removal "must plainly indicate that the requirements for federal jurisdiction are satisfied." 16 James Wm. Moore, et al., Moore's Federal Practice, § 107.30[2][a] (3d ed. 2007). In a case removed on the basis of diversity jurisdiction, as here, the removal notice must allege complete diversity of citizenship at the time the case was filed in state court and at the time of removal. See id. A notice of removal may be freely amended within the thirty-day period in which the notice must be filed. Id., § 107.30[2][a][iv]; Northern Ill. Gas Co. v. Airco Indus. Gases, 676 F.2d 270, 273 (7th Cir.1982). A defendant may also amend the notice of removal after the thirty-day period has ended to correct a "defective allegation of jurisdiction," see 28 U.S.C. § 1653, but not to add a new basis for removal jurisdiction. ARCO Environmental Remediation, LLC v. Department of Health and Environmental Quality of Montana, 213 F.3d 1108, 1117 (9th Cir. 2000); Moore's Federal Practice, § 107.30[2][a][iv]. In this case, the thirty-day period has ended.

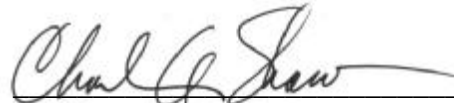
Based on the foregoing, the Court will order the Fund to file an amended Notice of Removal to correct its defective allegations of jurisdiction. See 28 U.S.C. § 1653. The Fund may not,

however, add a new basis for removal jurisdiction. To the extent Harrah's wants to bring other matters to the Court's attention, it may do so by motion.

Accordingly,

**IT IS HEREBY ORDERED** that defendant BlackRock Diamond Property Fund, Inc. is granted leave to file an amended Notice of Removal as set forth herein by **December 27, 2007**.

**IT IS FURTHER ORDERED** that the stay previously imposed in this matter is **lifted**.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 20th day of December, 2007.